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SH 2490169

Civilian Witnesses

15. [redacted]

16. [redacted]

17. [redacted]

Suspect

18. Joseph Young, Booking #5706247

EXHIBITS

A **One (1) DVD containing Homicide Bureau's casebooks Volumes I, II, and III under file number 019-16741-1361-057.**

B **Justice System Integrity Division of the Los Angeles County District Attorney's Office letter under case number 19-0336, dated September 14, 2020.**

C **One (1) CD containing Witnesses [redacted] and [redacted] 9-1-1 calls.**

D **One (1) flash drive containing video footage, radio broadcast of the pursuit, Deputy Involved Shooting, Suspect Young's detention and entry into [redacted] Prichard Street, crime scene photographs, homicide interviews, homicide warrants, radio communication, and South Gate Police Department body worn camera audio recordings.**

E **Suspect Joseph Young's medical paperwork.**

F **Deputy Andrew Makins illustration on one (1) photograph of what occurred leading up to the deputy involved shooting.**

G **Deputy Karla Farias illustration on one (1) photograph of what occurred leading up to the deputy involved shooting.**

H **Google maps photograph of Deputy Lina Pimentel's location.**

I **Deputy Adolfo Trujillo illustration on one (1) photograph where Deputy Farias' patrol vehicle was located leading up to the deputy involved shooting.**

J **Deputy Allan Mata illustration on one (1) photograph what of occurred leading up to the deputy involved shooting.**

MISCELLANEOUS DOCUMENTS

Deputy Andrew Makins weapons training and P.O.S.T training records.

A copy of Suspect Young's Consolidated Criminal History Report.

Copy of Los Angeles County Sheriff's Department Baton Launching Platforms Manual, Policy, and Procedures 5-06/040.15.

County of Los Angeles – Sheriff's Department Supervisor's Report of Incident or Damage to County Vehicle or Permittee's Vehicle under file number 919-16782-1399-504.

Shooting and Force Admonition forms.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

JAMES GARRISON • Director

September 14, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Non-Fatal Officer Involved Shooting of Joseph Young
J.S.I.D. File #19-0336
L.A.S.D. File #019-16741-1361-057

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 2, 2019, non-fatal shooting of Joseph Young by a member of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours.

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Andrew Makins, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.lacounty.gov

MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Joseph Young
J.S.I.D. File #19-0336
L.A.S.D. File #019-16741-1361-057

DATE: September 14, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 2, 2019, non-fatal shooting of Joseph Young by Los Angeles County Sheriff's Department (LASD) Deputy Andrew Makins. It is our conclusion that Deputy Makins used reasonable force in the defense of another.

The District Attorney's Command Center was notified of this shooting on August 2, 2019, at approximately 11:14 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Derrick Alfred.

The following analysis is based on reports, audio recordings, recorded interviews, videos and photographs submitted to this office by LASD Homicide Detectives Dean Camarillo and Scott Matlock. The voluntary statement of Deputy Makins was considered in this analysis.

FACTUAL ANALYSIS

On August 2, 2019, at approximately 8:55 a.m., LASD Lakewood Station deputies were dispatched to investigate a family disturbance on Prichard Street in the City of Bellflower. The caller, [redacted], reported that her [redacted] Joseph Young, drank bleach earlier that morning, was possibly on drugs and intoxicated, was acting erratically, was suicidal, and had left their residence in Young's white GMC pickup truck. [redacted] indicated Young may be headed to the Metro PCS store on Garfield, where his [redacted] worked. Shortly thereafter, [redacted], Young's [redacted] called 9-1-1 and reported that Young was in his truck, and was following her as she traveled by Uber to her workplace. While she was on the phone with 9-1-1, Young forced her from the Uber vehicle into his truck. [redacted] remained on the phone with 9-1-1 as Young drove her to the Metro PCS store. When they arrived, Young ordered her to exit the car, go into the store, get money from the cash register and return to his truck. While inside the store [redacted] stayed on the phone with 9-1-1 and provided a description of Young's truck.

At 8:55 a.m., a radio call went out with the following information: "[Kidnap] just occurred...Garfield...in South Gate at Metro PCS...female being held against [her will] at that location...her [redacted] is waiting outside in a white GMC truck...it's gonna be related to that Pritchard call, our victim is gonna be inside the store and she's hung up the phone...possible vehicle plate is [XXXXXXX] it's gonna be a white GMC truck...." The truck corresponding to the license plate was registered to Young. Deputies arrived at the location at 9:10 a.m., saw Young in his white GMC truck in the Metro PCS parking lot, and attempted to detain him. Young fled in his truck. Multiple SGPD units and LASD units pursued Young in his truck for several minutes. Young also drove in a circle southbound. then northbound on Garfield Avenue between Main Street and Garfield Avenue, approximately five times. Young repeatedly exited his vehicle during the pursuit, simulated holding a handgun, and yelled, "Shoot me!" and "Kill me!"[1]

Young committed multiple vehicle code violations, including red light violations, speeding, and driving on the wrong side of the road. Young intentionally struck Deputy Thomas Albanese's police vehicle when Albanese used his vehicle to block Young's path of egress from a 7-Eleven parking lot. Young also drove his truck towards LASD Deputy Lina Pimentel, who had parked her vehicle in the middle of Garfield Avenue. Pimentel ran to the other side of her vehicle to avoid being struck by Young's truck. Moments later, LASD Deputy Thomas Albanese parked his vehicle, exited and deployed spike strips in the street. Young drove his truck over the spike strips, which caused the front driver-side tire to go flat. Young maintained steering control of his vehicle despite the flat front tire.

LASD Deputy Karla Farias was working with Deputy Andrew Makins. Both were in full uniform working a two-person unit. Farias was driving their marked black and white SUV. She activated the emergency lights and a siren and joined in the pursuit. Farias and Makins were assigned to deploy "stop sticks"[2] in the street to disable Young's vehicle.

Young drove northbound on Garfield Avenue to Century Boulevard. At approximately 9:15 a.m., Farias stopped the SUV in the intersection of Garfield Avenue and Century Boulevard, facing north. Farias and Makins exited the vehicle. Farias positioned the stop sticks across Century Boulevard, blocking southbound Garfield Avenue lanes of travel. Makins stood just south and west of the center median, several feet east of Farias as she positioned the stop sticks. After deploying the stop sticks, Farias walked eastbound in the crosswalk toward Makins and was standing midway between the center median and the west curb as Young drove his truck toward Makins and her.[3]

Video evidence from several different angles shows that Young, driving southbound Garfield Avenue in the number one lane, veered right and drove along the west curb past a white Lexus stopped in the number two lane at Century Boulevard, skirting around the west end of the stop sticks. Young abruptly veered left and accelerated toward Makins. Makins drew his service

[1] SGPD officers and LASD deputies all reported that Young used a cell phone to simulate a handgun.
[2] A "stop stick" is a tire deflation device similar to spike strips, and is designed to assist law enforcement officers in safely ending vehicle pursuits.
[3] Her positioning was estimated from surveillance video and cell phone video footage, as well as witness statements.

weapon, pointed the muzzle toward Young, and retreated eastbound to avoid being struck by Young's vehicle. When the front of Young's truck was approximately five feet from Makins, Young turned the truck sharply toward Farias, who was standing in the street. Makins saw Young drive toward Farias. Makins later told investigators, "I thought he was going to hit my partner, run her over, kill her." In fear for his partner's life, Makins fired three rounds from his service weapon at Young. Young's truck's front bumper simultaneously struck the back of Farias' lower body, and then fled to his residence.

Multiple LASD patrol units pursued Young. He was ultimately apprehended at his residence. Young was transported to St. Francis Hospital, where he was treated for a through and through gunshot wound to his chest. Young survived his injury.

Farias was transported from the scene to St. Francis Hospital, where she was treated for injuries to her back, hips and legs that she sustained when she was struck by Young's truck.

Charges Filed Against Young

Young was charged in case number VA151372 with five felony violations, including three counts of Penal Code section 245(c), assault with a deadly weapon on a peace officer (Farias, Makins and Pimentel), Penal Code section 2800.2, evading a peace officer, and Vehicle Code section 20001(a), hit and run causing injury. The case is set for arraignment on the Information on August 7, 2020.

Statement of Joseph Young

Detectives attempted to interview Young. Young refused to speak with investigators.

Electronic Evidence

No deputy or officer was equipped with body worn video. No police vehicle was equipped with a dash camera.

SGPD Officer [redacted] who was standing just east of Makins when Young veered his truck toward her, was equipped with a department-issued audio recording device attached to his Sam Browne. The device was activated and recorded 11 minutes of the incident, including the officer-involved shooting. [redacted] reviewed the recording after he returned to SGPD headquarters. [redacted] attempted to upload the recording into the SGPD computerized database storage. [redacted] stated that the recording was accidentally erased during the upload process.

Several SGPD officers were equipped with audio recording devices but they did not capture the officer-involved shooting.

Surveillance Video

Surveillance video from numerous businesses in the area of the officer-involved shooting was obtained. Among those videos was a recording from "Estrellita Del Mar," a restaurant located at the southeast corner of Garfield Avenue and Century Boulevard. The video shows that Young veered sharply left from the northwest curb toward Makins, who backed up to the northeast. It also

shows that Young steered his truck sharply right into Farias's body as she stood in the intersection. It also shows that Makins fired his service weapon at Young.

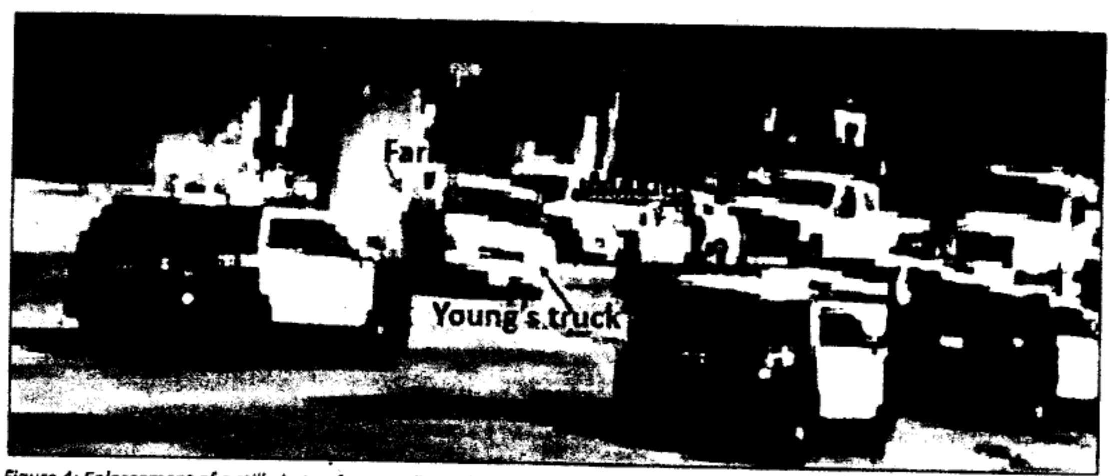


Figure 4: Enlargement of a still photo of a recording taken by a video surveillance camera for Estrellita del Mar restaurant showing Makins pointing his service weapon at Young as Young struck Farias with the passenger side of his truck.

[redacted] Cell Phone Video

[redacted] recorded the officer-involved shooting on her cell phone from the west sidewalk of Garfield Avenue, north of Century Boulevard.

The video shows that Young drove along the passenger side of a Lexus ES350 stopped north of the crosswalk in the number two southbound lane on Garfield Avenue. Young turned his vehicle sharply left toward Makins, who was standing a few feet south of the center median. Makins drew his service weapon and pointed it toward Young. Young turned sharply toward Farias, who was in the intersection southwest of Makins. Makins yelled, "Move! Shit!" Makins simultaneously fired three rounds at Young as Young's truck's passenger side struck Farias. Makins fired all three rounds in less than one second.

Physical and Photographic Evidence

Makins was armed with his department-issued Smith & Wesson, Model M&P9, 9mm semiautomatic handgun. The maximum capacity for this handgun is 17 cartridges. After the incident the handgun and magazine were loaded with 14 cartridges.

Three expended 9mm cartridge casing were located in the general area where Makins fired his weapon.

Young's vehicle was forensically examined. Two bullets were recovered. One fired bullet was located on the driver's seat, which is consistent with the through and through gunshot wound Young sustained to his torso. There was a bullet hole in the driver's door with a corresponding fired bullet located inside the door panel. There was bullet damage to the front passenger windshield. All of the impacts are consistent with video footage of Makins firing at Young as Young struck Farias with his vehicle.

An aerial photograph taken of the intersection after the officer-involved shooting shows southbound vehicle positioning at the time of the officer-involved shooting. However, Farias' and Makins' SUV was moved after the officer-involved shooting and is not accurately depicted in the aerial photograph.

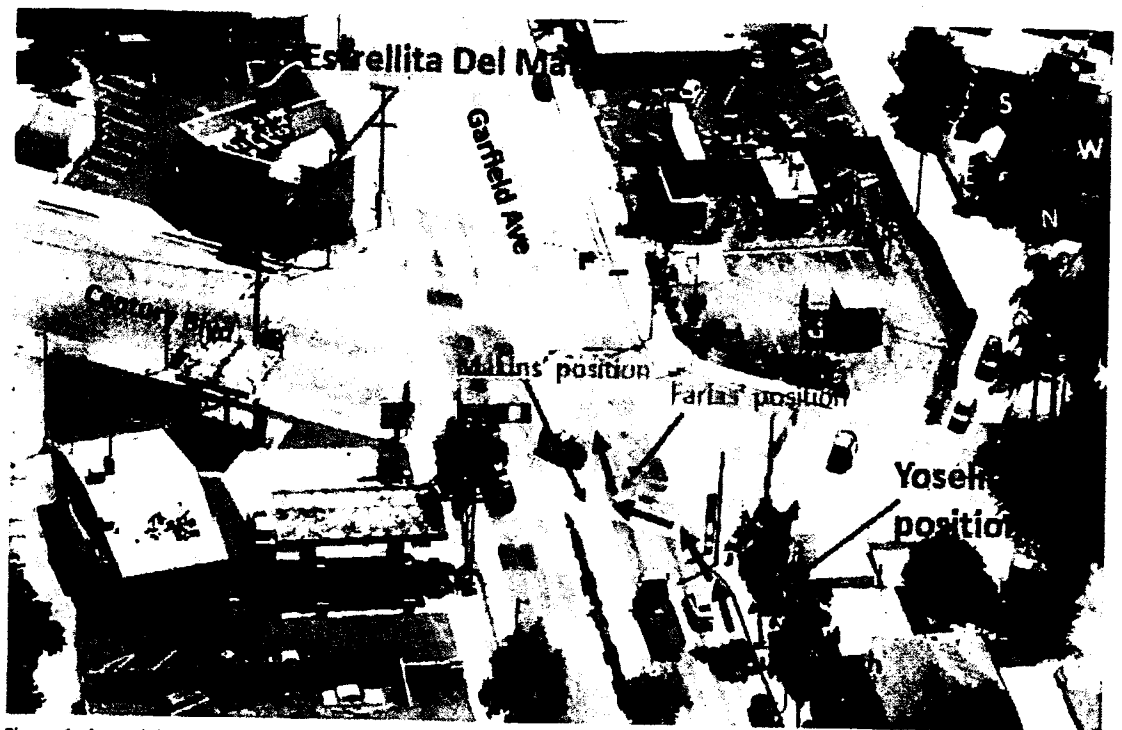


Figure 1: An aerial overview photo of the scene depicts the intersection of Garfield Avenue and Century Boulevard on August 2, 2019.

Interviews of Law Enforcement Witnesses

Multiple law enforcement officers from the LASD and the SGPD witnessed Young's truck veer towards Makins, then turn toward Farias and hit her with his truck. All of their statements are consistent with both Makins' statement and video evidence.

Interviews of Civilian Witnesses

Multiple civilian witnesses were interviewed during the course of this investigation. Their statements were consistent with Makins' statement, physical evidence and video recordings.

LEGAL ANALYSIS

California law permits any person to use deadly force in the defense of others if he actually and reasonably believed that others were in imminent danger of great bodily injury or death. CALCRIM No. 3470; *see also* People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082. In protecting another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar

circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If a person uses force in lawful self-defense or defense of others, he need not stop using force until the threat has ended. *See* Plumhoff v. Rickard (2014) 134 S.Ct. 2012, 2022.

In this case, deputies responded to a kidnap just occurred, then immediately were involved in a vehicle pursuit of the suspect, Young. During the pursuit Young repeatedly yelled, "Shoot me!" and "Kill me!" and pointed a simulated gun at deputies. The deputies and officers, believing the simulated gun was a cell phone, held their fire.

Young deliberately turned and drove his truck at Makins, who moved to avoid being struck and drew his service weapon, believing he was in imminent danger of being killed. Young then turned toward Farias, who was standing to the southwest of Young's vehicle, and turned his truck toward Farias. As Young veered his truck toward Farias, Makins reasonably believed Farias' life was in danger and fired his weapon at Young as Young struck Farias with his vehicle, a deadly weapon. Because Makins acted to protect Farias from Young, who was using his truck as a deadly weapon, his use of force was lawful.

CONCLUSION

We conclude that Deputy Makins used reasonable force in the defense of another when he fired his duty weapon at Joseph Young. We are closing our file and will take no further action in this matter.